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11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
14

15 **STUART S. PRESSLY,**

Petitioner,

17 v.

18 **F.B. HAWS, Warden,**

Respondent.

07cv2315 J (JMA)

**APPLICATION FOR 11-DAY
ENLARGEMENT OF TIME TO
FILE OPPOSITION TO
MOTION TO STAY HABEAS
CORPUS PROCEEDINGS**

Judge: The Hon. Jan M. Adler

21 Stacy Tyler declares under penalty of perjury:

22 I am the Deputy Attorney General assigned to represent Respondent in the above-entitled
23 cause.

24 Respondent filed its Answer to the Petition on May 6, 2008. Roughly two weeks later,
25 Petitioner filed a motion to stay the proceedings while he exhausts new claims in State court. The
26 Court ordered Respondent to respond to the motion.

27 I intend to oppose the motion. I respectfully request this Court extend the time to file that
28 opposition by **11 days** through and including **July 18, 2008**.

1 I had intended to file Respondent's opposition last week. However, on June 23, 2008, I
 2 fell ill. I became increasingly sick over the next several days, and thereafter was out of the office
 3 with a series of infections and unable to work from June 30 to July 7. Yesterday was my first full
 4 day back in the office. I have begun work on the opposition and expect to finish it before week's
 5 end.

6 Petitioner was convicted of armed robbery and of being a felon in possession of a firearm.
 7 He was sentenced as a recidivist offender because of his multiple prior serious and violent felony
 8 convictions. The state courts have considered and rejected the claims he presents in the Petition, and
 9 have affirmed his sentence of sixty years to life in state prison. Given the seriousness of Petitioner's
 10 crimes and criminal history, and the resulting length of his sentence, Petitioner will not be unduly
 11 prejudiced by a 11-day enlargement, whereas, I will be unable to prepare an opposition without it.

12 Accordingly, I respectfully request an 11-day extension to and including July 18, 2008,
 13 to prepare a quality response in this matter, and allow adequate time for review and processing.

14 Dated: July 8, 2008

15 Respectfully submitted,

16 EDMUND G. BROWN JR.
 Attorney General of the State of California

17 DANE R. GILLETTE
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20
 21
 22 s/Stacy Tyler

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Pressly v. Haws**

No.: **07cv2315 J (JMA)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On July 9, 2008, I served the attached **APPLICATION FOR 11-DAY ENLARGEMENT OF TIME TO FILE OPPOSITION TO MOTION TO STAY HABEAS CORPUS PROCEEDINGS** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Stuart Scott Pressly
V-48636
California State Prison, Los Angeles County
P.O. Box 8457
Lancaster, CA 93539-8457
In Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 9, 2008, at San Diego, California.

Helen A. Jellen

Declarant



Signature